UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,398	10/10/2000	James Richard Kraemer	RSW9-2000-0107-US1	7911

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EXAMINER
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ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
12/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>13 November 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

LALITA M. HAMILTON
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues that neither Jones nor Bove disclose or teach the transmission of a list identifying a recommended rebalancing transaction or transmitting to a customer...a list comprising at least one recommended transaction; the particular method used to contact the customer being defined by that customer; automatically retransmitting an alert message to the customer via a secondary method if the step of transmitting via the first communication method was not successfully executed; the customer's response constitutes performing a single action by the customer; the customer's response is contained in a return email from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions; the customer's response is received on paper and includes an optical code for retrieving the list; or the second unit for transmitting the alert message and the list of a plurality of recommended rebalancing transactions to the customer, receiving a single response of the customer to the transmitted alert message, and automatically implementing the list of multiple transactions based on the received customer's response. In response, Jones discloses the transmission of a list identifying a recommended rebalancing transaction or transmitting to a customer...a list comprising at least one recommended transaction (one or more financial products are transmitted to the user by an alert triggered by the plan monitoring module-col.27, lines 50-55) ; the particular method used to contact the customer being defined by that customer (the alerts may be transmitted to the user via telephone, e-mail, fax, or standard mail messaging-col.7, lines 4-8); automatically retransmitting an alert message to the customer via a secondary method if the step of transmitting via the first communication method was not successfully executed (the alert may be generated to notify the user of the advice and/or need for affirmative action; the alert may be displayed during a subsequent user session or transmitted immediately by telephone, e-mail, fax, or standard mail messaging-col.28, lines 30-37); the customer's response constitutes performing a single action by the customer (the alert is generated to notify the customer of advice and/or affirmative action needed, and the user chooses whether or not to implement the suggestion, such as in a subsequent user session-col.28, lines 30-37); the customer's response is contained in a return email from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions; the customer's response is received on paper and includes an optical code for retrieving the list (the user is transmitted an alert of advice or affirmative action via email, and the user chooses to implement the advice or take action-col.28, lines 30-37); and the second unit for transmitting the alert message and the list of a plurality of recommended rebalancing transactions to the customer, receiving a single response of the customer to the transmitted alert message, and automatically implementing the list of multiple transactions based on the received customer's response (the alert message is sent to the customer with a list of recommended products, and the user may implement the advice during a subsequent user session or other communication means-col.27, lines 50-55 and col.28, lines 30-37). .

LALITA M. HAMILTON
PRIMARY EXAMINER

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